

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JASON M. SMITH,

Petitioner,

v.

15-CR-00002 WMS
ORDER

UNITED STATES OF AMERICA,

Respondent.

The government has moved to extend the deadlines set forth in this Court's initial scheduling order. (Docket No. 79.) For good cause shown, that motion is granted. The parties must adhere to the new deadlines below.

ORDERS

IT IS HEREBY ORDERED, in accordance with Rules 4 and 5 of the Rules Governing § 2255 Cases in the United States District Courts, that Respondent shall file and serve an answer to the Petition no later than **January 31, 2020**. The Answer shall respond to the allegations in the Petition and shall state whether Petitioner has used any other available federal remedies including any prior post-conviction motions under these rules or those existing before the adoption of the present rules. Further, the Answer shall state whether an evidentiary hearing was afforded Petitioner in a federal court, whether Petitioner appealed the conviction, and what ruling, if any, the United States Court of Appeals has made on the appeal; and it is further

ORDERED that, in addition to the Answer, Respondent also file and serve by the above date a memorandum of law addressing each of the issues raised in the Petition and including citations of relevant supporting authority; and it is further

ORDERED that within twenty (20) days of receipt of the Answer, Petitioner may file a written reply to the Answer and memorandum of law; and it is further

ORDERED that within twenty (20) days of the date this Order is filed with the Clerk of Court, Respondent may file a motion for a more definite statement or a motion to dismiss the Petition, accompanied by appropriate exhibits which demonstrate that an answer to the Petition is unnecessary. The timely filing of such motion shall extend the time for filing an answer for fourteen (14) days, but the failure of this Court to act upon the motion within that time shall not further extend the time for filing an answer.

SO ORDERED.

Dated: January 10, 2020
Buffalo, New York

s/William M. Skretny
WILLIAM M. SKRETNY
UNITED STATES DISTRICT JUDGE